

APPENDIX C

REAL ESTATE APPENDIX

**Jacksonville Harbor Navigation Study, Duval County,
Florida**

DRAFT

**INTEGRATED GENERAL REEVALUATION REPORT II AND
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

May, 2013

**NAVIGATION STUDY FOR
JACKSONVILLE HARBOR, FLORIDA**

**DRAFT INTEGRATED GENERAL REEVALUATION REPORT II
AND
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

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TABLE OF CONTENTS

Section	Page No.
1. STATEMENT OF PURPOSE.....	4
2. STUDY AND PROJECT AUTHORIZATION.....	4
3. PROJECT LOCATION AND DESCRIPTION.....	4
4. REAL ESTATE REQUIREMENTS.....	6
5. FEDERALLY-OWNED LAND.....	7
6. NON-FEDERALLY-OWNED LAND.....	7
7. NON-FEDERAL OPERATION/MAINTENANCE RESPONSIBILITIES.....	7
8. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT.....	7
9. NAVIGATION SERVITUDE.....	8
10. ATTITUDE OF OWNERS.....	8
11. MINERALS.....	8
12. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW).....	8
13. INDUCED FLOODING.....	8
14. ZONING ORDINANCES	
15. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646).....	8

16. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS.....	8
17. STANDING TIMBER AND VEGETATIVE COVER.....	8
18. RECREATION RESOURCES.....	8
19. CULTURAL RESOURCES.....	9
20. OUTSTANDING RIGHTS.....	9
21. MITIGATION.....	9
22. ACQUISITION/ADMINISTRATIVE COSTS.....	9
23. SUMMARY OF PROJECT REAL ESTATE COSTS.....	9
24. REAL ESTATE ACQUISITION SCHEDULE.....	10
25. ESTATES TO BE ACQUIRED.....	10
26. MAPS.....	10
27. CHART OF ACCOUNTS FOR PROJECT.....	10

EXHIBIT C-1: PROJECT AUTHORIZATION HISTORY

EXHIBIT C-2: JACKSONVILLE HARBOR – FEDERAL PARCEL REAL ESTATE MAPS (3)

EXHIBIT C-3: REAL ESTATE CAPABILITY ASSESSMENT (DRAFT INCLUDED)

3/29/2013 lhz

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1. STATEMENT OF PURPOSE

a. The purpose of this report is to determine the feasibility of improving the existing Federal navigation project at Jacksonville Harbor, Florida. The study purpose consists of developing and evaluating alternative plans to reduce transportation costs of vessels transiting in the Harbor by accommodating existing and future vessels, reducing navigation constraints, and environmental acceptable.

b. This real estate plan is tentative in nature for planning purposes only and both the final real property acquisition lines and estimates of value are subject to change even after approval of this report.

2. STUDY AND PROJECT AUTHORIZATIONS

This study was originally authorized through a resolution from the Committee on Public Works and Transportation, U.S. House of Representatives, dated February 5, 1992 resulting in a feasibility study that recommended deepening from the entrance channel to River Mile 14.7 deepening from 38 feet to 40 feet. That segment was authorized in WRDA 1999 and completed construction in 2003.

A General Reevaluation Report was then authorized through the Energy and Water Development Appropriations, 2003, United States House of Representatives, House Report 107-681 and the Senate explanatory statement as delineated in the Congressional Record of January 15, 2003, pages S492 through S546 resulting in a GRR that recommended deepening from River Mile 14.7 to 20 from 38 feet to 40 feet. That segment was authorized in the FY2006 Appropriations Act and construction was completed in 2010. (See Exhibit C-1 of this Appendix for Project Authorizations).

To follow through with the intent of the original GRR authorization it was determined by USACE that further study was needed, this GRR II. The feasibility cost sharing agreement (FCSA) was signed in 2006.

Additional Study Guidelines

President Obama issued a "We Can't Wait Initiative" to help modernize and expand 5 major ports in the United States, including Jacksonville Harbor. They issued the following statement:

One of the critical steps in modernizing and expanding the Port of Jacksonville is to finalize the federal feasibility study examining the costs and benefits of deepening the harbor. Nationally, feasibility studies take an average of 10 years and the expedited process announced today will shave 7 years off of that timeline, committing the federal government to finalize the study by April of 2013, years ahead of previous projections.

3. PROJECT LOCATION AND DESCRIPTION.

Jacksonville Harbor is located in Duval County, Florida, and is approximately 125 miles south of Savannah, Georgia and 150 miles south of Canaveral, Florida. The Harbor begins at the mouth of the St. Johns River where it empties into the Atlantic Ocean and meanders inland (approximately 20 miles) to the downtown area of City of Jacksonville where the Jacksonville Port Authority (JAXPORT), the Project Sponsor, has marine facilities. The Harbor provides the major deep-draft port for waterborne commerce in northeast Florida. (See Figure 1 of the main report for location/vicinity map).

The Jacksonville Harbor navigation project, as currently authorized, provides for Federal maintenance of an existing channel depth of -42 feet mean low water (MLW) from the ocean entrance to Mayport Naval Station, then -40 feet MLW through river mile 20. Authorized bottom widths currently vary from 400 to 1200 feet. The extra bottom widths over 400 feet occur in the bends and turns of the river.

The recommended plan for the Jacksonville Harbor General Revaluation Report II is the Locally Preferred Plan (LPP). (See Figure C-1, on page 6 of this Appendix). The LPP consists of deepening, widening, and expanding two (2) existing turning basins. The only difference between the National Economic Development Plan (NED) and the LPP is the channel depth. The NED recommends -45 feet MLW whereby the LPP -47 feet MLW.

The plan would dredge the existing -40 foot channel to -47 feet from the Harbor entrance to approximately River Mile (RM) 13. Three (3) areas are recommended to be widened for the project. These areas are identified as Mile Point; Training Wall Reach; and St. Johns Bluff Reach. Mile Point, located about RM 3 - 5, will be widened 200 feet to the north for Cuts 8 - 13. Training Wall Reach, located about RM 5 - 6, will widen to the south 100 feet for Cuts 14 - 16, transitioning to 250 feet for Cut 17 and back to 100 feet for Cuts 18 - 19. St. John Bluff Reach, located about RM 7 - 8, will widen both north and south of the channel varying amounts up to 300 feet for Cuts 40 - 41. Based on ship stimulations two (2) turning basins are recommended expansion. Blount Island, located about RM 10, will be expanded to approximately 2,500 feet long by 1,500 feet wide and Brills Cut, located about RM 13, will be expanded to approximately 2,500 feet long by 1,500 feet wide.

The current EPA approved Jacksonville Harbor ODMDS is located about five miles offshore from the entrance channel jetties. The ODMDS would be used only if the other sites are not available. The ODMDS is located approximately 4.5 nautical miles southeast of the Jacksonville Harbor entrance channel jetties offshore of Atlantic Beach, Florida

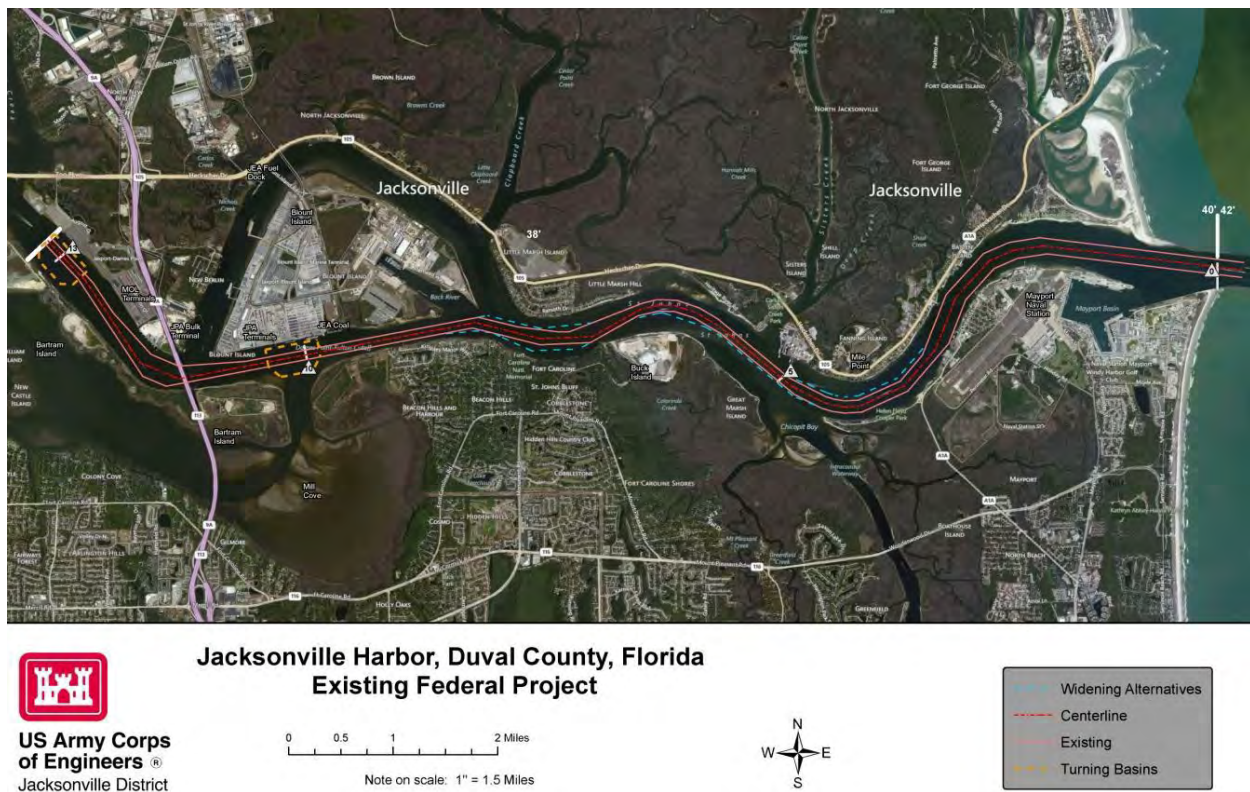


Figure C-1

4. REAL ESTATE REQUIREMENTS

The deepening, widening, and expansion of the turning basins are within the navigable waters of the United States and are available to the Federal Government by navigation servitude. The disposal area identified for the project is an existing ODMDS. The ODMDS is also within the navigable waters of the United States. This site is in the process of being expanded by the EPA and should be available prior to project construction, if necessary.

Further opportunities for additional beneficial use of dredged material exist in the project vicinity. The placement options include, if found compatible, placement in the nearshore and/or erosion areas along the riverbank. Any rock excavation for the project may be placed in areas to create artificial reefs. These alternatives are not currently considered to be least cost and would require further development and permitting. It is assumed that these opportunities would be explored during a subsequent Value Engineering workshop during the PED Phase. It may also be possible for the local sponsor or other non-Federal partner to pay any additional cost associated with material placement in a location other than the ODMDS.

The current proposed mitigation plan involves acquisition of conservation lands in fee simple. Approximately 638.42 acres have been identified to mitigate for negative environmental impacts. These negative impacts are primarily caused by increased salinity from the project widening, deepening, and turning basin expansions. (See Mitigation Plan located in Appendix E of this report).

All Lands, Easements, Rights-of-way, Relocations, and Disposal (LERRD) costs associated with mitigation features are included within the construction costs and not found within real estate (except for project planning), however a cost breakdown is included in this Appendix. A map identifying specific parcel information is unavailable at this time. The potential acreage and areas used for the estimate were provided by Planning Division based on current land use and location in proximity to the Timucuan National Park and the St. Johns River Blueway Project. (See general location map of these areas in Appendix E, Mitigation Plan of this report). **Further refinement is continuing and will be further discussed in the final report.**

5. FEDERAL GOVERNMENT-OWNED LAND

USACE controls numerous fee and easement tracts within the project area. (See Exhibit C-2 of this appendix for maps).

6. NON-FEDERALLY-OWNED LAND.

JAXPORT owns or controls multiple cargo terminals and lands within the project area. The terminals include the Blount Island Marine terminal (754 acres) located nine nautical miles from the Atlantic Ocean; Tallyrand Marine Terminal (173 acres) located 21 nautical miles from the Atlantic Ocean; and Dames Point Marine Terminal (158 acres) located ten nautical miles for the Atlantic Ocean. Numerous existing disposal areas are also owned by JAXPORT and will be considered for beneficial use placement sites. (Further details about existing disposal areas are discussed in the Dredged Material Management Plan (DMMP) and can be found in Appendix P of this report).

7. NON-FEDERAL OPERATION/MAINTENANCE RESPONSIBILITIES.

The Federal Government currently maintains the existing project annually. The Federal Government would be responsible for operation and maintenance of the improvements to the Federal Navigation project proposed in this report upon completion of the construction contract.

JAXPORT will be responsible for the costs of the construction and maintenance dredging of all Port Berthing Areas. JAXPORT is also responsible for the costs of infrastructure improvement of the port facilities, some of which are scheduled to be completed in advance of the authorization of the Federal navigation improvements.

8. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT.

JAXPORT derives its authority to participate in the project through its creation by an Act of the Legislature of the State of Florida, Chapter 63-1447, Laws of Florida. Section 3 of Chapter 63-1447

provides that the JAXPORT shall have the specific authority to enter into contracts, leases or other transactions with any Federal agency.

9. NAVIGATION SERVITUDE.

All lands required for deepening, widening, expansion of turning basins, and the ODMDS is within the navigable waters of the United States and are available to the Federal Government via navigation servitude. Coordination with the State of Florida and other environmental agencies will occur to provide the necessary permission for the submerged lands.

10. ATTITUDE OF OWNERS

JAXPORT, the Project Sponsor, fully supports the project. Property owners who live adjacent to the St. Johns River have identified concerns, during public meetings, relating to channel deepening. The issues consisted of effects of using blasting techniques, potential obstructions to river views, and shoreline erosion. Property owners were also concerned of increased truck traffic and noise from the potential beneficial use of the Buck Island disposal site.

11. MINERALS.

There are no known minerals of value in the project area.

12. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW).

A reconnaissance phase HTRW assessment was completed in 2009 by the Federal Government. The assessment included areas from RM 0 to RM 20 of the Federal Channel within the St. Johns River. The project scope was reduced to RM 13 which eliminated potentially significant areas of concern. Further testing during project construction will occur, however, the project is highly likely to be free from HTRW materials.

13. INDUCED FLOODING.

There will be no induced flooding directly associated with this project.

14. ZONING ORDINANCES.

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances is not to be used in lieu of acquisition.

15. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646).

There are no persons or businesses that will need to be relocated due to project implementation.

16. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS (Utilities, Structures and Facilities, Cemeteries, and Towns).

There are several outfalls and a set of JEA aerial electrical transmission lines as well as the Napoleon Bonaparte Broward (Dames Point) Bridge within the project vicinity. It appears that all outfall pipes lie well outside of the channel and the design vessel operates well below the air-draft restrictions of the power lines and bridge, thus there are no relocations required in conjunction with Federal Navigation Project expansion.

There are no known submarine crossings of local or long distance phone, cable television, electrical, sewerage or drinking water lines within the project limits.

17. STANDING TIMBER AND VEGETATIVE COVER.

There is no timber or unusual vegetative cover in the project area. See Appendix E, Mitigation Plan of the this report for vegetation impacts.

18. RECREATION RESOURCES.

There are no separable recreational lands identified for the project.

19. CULTURAL RESOURCES.

There are no known cultural resources that have been identified as being affected by the project. Further investigations will be performed prior to any construction activities.

22. OUTSTANDING RIGHTS.

There are no known outstanding rights in the project area.

23. MITIGATION.

The widening, deepening, and turning basin expansions are anticipated to cause an increase in salinity in the project area. This increase will negatively impact sensitive wetlands and eelgrass beds. The Federal Government, in conjunction with other Federal, State, and local environmental resource agencies, continue to develop and identify potential real estate that can be acquired in fee to mitigate for these impacts. **Environmental modeling is ongoing to determine the extent of mitigation and the real estate plan will be updated as additional information is available.**

At this time, approximately 638.42 acres have been proposed for mitigation. The plan recommends fee simple acquisition for conservation. A cost breakdown is included at the end of the Appendix.

See Mitigation Plan detail in Appendix E of this report.

24. ACQUISITION/ADMINISTRATIVE COSTS.

The estimate of the Federal real estate acquisition/ administrative cost is \$244,000.00. This figure includes project real estate planning, review and monitoring cost. Non-Federal administrative costs are estimated to be \$390,000.00.

25. SUMMARY OF PROJECT REAL ESTATE COSTS.

The following cost figures are subject to change prior to construction:

a. Lands and Damages (Fee Simple/Mitigation – 638.42 acres)		\$2,266,555.50
b. Administrative costs		\$ 534,000.00
Acquisition		\$192,000
Federal	\$ 72,000	
Non-Federal	\$120,000	
Appraisal		\$162,000
Federal	\$ 42,000	
Non-Federal	\$120,000	
Condemnations		\$180,000
Federal	\$ 30,000	
Non-Federal	\$150,000	
c. Project Planning (Federal)		\$ 100,000.00
d. Total Estimated Real Estate Cost		\$2,900,555.50
e. Contingency (50%)		<u>\$1,450,277.75</u>
f. Total Real Estate Cost with Contingency		\$4, 350,833.25

26. REAL ESTATE ACQUISITION SCHEDULE.

No formal acquisition is required for project construction associated with deepening, widening or expansion of the turning basins. **A schedule has yet to be determined for the mitigation acquisition as the final mitigation has not been completed. This will be revised prior to the final report.**

27. ESTATES TO BE ACQUIRED.

Fee simple is the required estate for mitigation areas.

FEE: The fee simple title to (the land described in Schedule A) /(Tracts Nos. ____, ____ and ____), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

28. MAPS.

See Figure C-1 (page 6) of this appendix for map showing the tentatively selected plan. Exhibit F-2 shows Federal ownership or interests in the area of the project.

29. CHART OF ACCOUNTS FOR PROJECT.

01	Lands & Damages (638.42 acres in Fee Simple)		
01AA	Project Planning (Federal)	\$	100,000.00
01B--	Acquisitions	\$	192,000.00
01B20	Non-Federal	\$	120,000.00
01B40	Federal	\$	72,000.00
01C--	Condemnations	\$	180,000.00
01C20	By Local Sponsor	\$	150,000.00
01C40	Review of Local Sponsor	\$	30,000.00
01E--	Appraisals	\$	162,000.00
01E30	By Local Sponsor	\$	120,000.00
01E50	Review of Local Sponsor	\$	42,000.00
01F--	P.L. 91-646 Assistance	\$	0.00
01R--	Real Estate Payments		
01R1	Land Payments		
01R1B	By Local Sponsor*	\$	2,266,555.50
TOTAL REAL ESTATE COST EXCLUDING CONTINGENCY			\$2,900,555.50
CONTINGENCY (50%)**			<u>\$1,450,277.75</u>
TOTAL PROJECT REAL ESTATE COST			<u>\$4,350,833.25</u>

*The land costs are derived from a rough order of magnitude (ROM) prepared by the report writer. The costs were compiled from the City of Jacksonville (Duval County), Florida, Property Appraiser online website. Thirty five percent (35%) was added to the appraiser amounts (using professional judgment)

to determine fair market value and acquisition unknowns. According to 3X3X3 RE guidance a ROM is the correct process as land required for the project is less than 10% of total project costs.

**The 50% contingency has been added to the total real estate estimated cost to account for mitigation uncertainties at this time. Environmental analysis is ongoing and as this is completed the mitigation land requirements may change. Once additional information is received the contingency will be reduced and the requirements revised as necessary.

NOTE: All costs associated with mitigation, according to the policy, dated September 19, 2006, "Cost Sharing for Lands Associated with Fish and Wildlife Mitigation" will be included under construction in total project costs. The project planning amount of \$100,000 will be included under real estate. **Credit is given for the incidental costs borne by the non-Federal sponsor for lands, easements, rights of way and relocations per Section 101 of WRDA 86, including the land purchased for mitigation.**

EXHIBIT C-1

Authorization history of Jacksonville Harbor

AUTHORIZATIONS FOR THE EXISTING JACKSONVILLE HARBOR PROJECT		
Acts	Work Authorized	Documents
14 Jun 1880	Jetties at entrance (maintenance only)	A.R. for 1879, p. 767 H. Ex. Doc. 346/53/3
3 Jun 1896	Extension of Jetties, etc (maintenance only)	& A.R. for 1895, p. 1586
2 Mar 1907	The 24 foot area from Hogan Creek to F.E.C. Ry. Bridge	H. Doc. 663/59/1
25 Jun 1910	Main channel 30 x 300-600 feet; anchorage basin at Mayport; training walls and revetments	H. Doc. 611/61/2
5 Jun 1920	Consolidation of above projects	Multiple
3 Jul 1930	Widening bend at Dame's Point to 900 feet	H. Doc. 483/70/2
30 Aug 1935	Widening Drummond, Trout, and six mile creek (now long branch) cuts to 400 feet; and Terminal Channel 30 x 400 feet	S. Comm. P. 74/1
2 Mar 1945	Maintenance of existing channel widths; widening Terminal Channel to 590 feet; the 28-foot area between Laura Street and St. Elmo W. Acosta Bridge; channel along south side commodore point; and basin at Naval Reserve Armory	H. Doc. 322/77/1
2 Mar 1945	Main Channel 34 feet deep via Terminal Channel	S. Doc 230 /78/2
2 Mar 1945	Dame's Point – Fulton Cut-off 34 x 500 feet	S. Doc. 179/79/2
27 Oct 1965	Maintenance of the existing ocean entrance 42 and 40 feet deep, deepening of the interior channel to 38 feet to the Municipal Docks and Terminals, and widening the channel near river mile 5 and 7 by 100 feet and 200 feet, respectively.	River and Harbor Act of 1965

21 Apr 1999	40 ft project depth from the Entrance Channel to river mile 20, and 38 ft project depth for cuts F and G, channel widths vary from approximately 400 ft to 1,200 ft.	WRDA 1999 (PL 106-53) Title I, Section 101(a):
19 Nov 2005	Deepening and widening of river miles 14.7 to 20 to the new project depth of 40 ft	FY 2006 Energy and Water Development Appropriations Act (PL 109-103)

EXHIBIT C-2

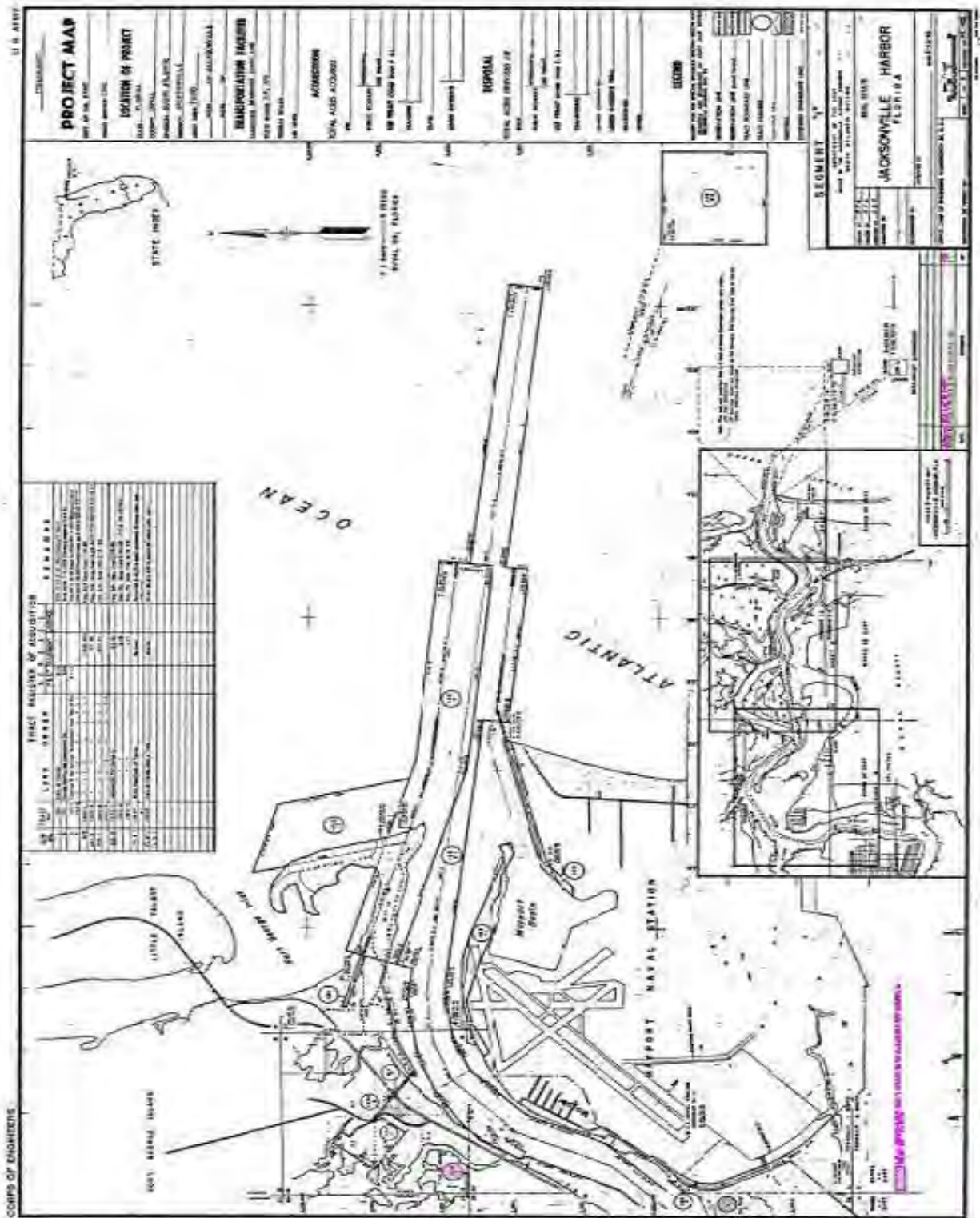




EXHIBIT C-3

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**ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY
FOR JACKSONVILLE HARBOR, FLORIDA, NAVIGATION PROJECT**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power of eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **NO**

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require technical training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **NO**
- b. If the answer to IIa. is "yes," has a reasonable plan been developed to provide such training? **N/A**
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **NO**

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**
- b. Has the sponsor approved the project/real estate schedule/milestones? **YES**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **YES**
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. **HIGHLY CAPABLE**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? YES/NO
b. Does the sponsor concur with this assessment? YES/NO

Date: _____

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